

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

ZACK CAINE HERRELL,

Cause No. CV-08-062-GF-SEH-RKS

Plaintiff,

AMENDED COMPLAINT

vs.

THOMAS W. LYNCH, SGT. NEWTON,
and THE GREAT FALLS POLICE
DEPARTMENT,

Defendants.

INSTRUCTIONS

1. Use this form to file an amended civil complaint with the United States District Court for the District of Montana. You may attach additional pages where necessary.
2. Your amended complaint must include only counts/causes of action and facts - not legal arguments or citations.
3. Your amended complaint must be typed or legibly handwritten. All pleadings and other papers submitted for filing must be on 8 1/2" x 11" paper (letter size). Your need not be notarized but it must be an original and not a copy. You must pay the Clerk for copies of your amended complaint or other court records, even if you are proceeding in forma pauperis.
4. Complaints submitted by persons proceeding in forma pauperis and complaints submitted by prisoners suing a governmental entity or employee are reviewed by the Court before the defendants are required to answer. See 28 U.S.C. §§ 1915(e)(2), 1915A(a); 42 U.S.C. § 1997e(c). After the Court completes the review process, you will receive an Order explaining the findings and any further action you may or must take. The review process may take a few months; each case receives the judge's individual attention.

Plaintiff's Last Name HERRELL

Amended Complaint
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5. When you have completed your amended complaint, mail the original - copies are not required - to the Clerk of U.S. District Court, 201 East Broadway, P.O. Box 8537, Missoula, MT 59807.

AMENDED COMPLAINT

I. PLACE OF CONFINEMENT:

A. Are you incarcerated? Yes ☒ No ☐ (if No, go to Part II)

B. If yes, where are you currently incarcerated? _____

Cascade County Detention Center

C. If any of the incidents giving rise to your complaint occurred in a different facility, list that facility:

n/A

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

A. Non-Prisoners

1. Does any cause of action alleged in this complaint require you to exhaust administrative remedies before filing in court? Yes ☐ No ☐ Don't Know ☒

2. If yes, have you exhausted your administrative remedies? Yes ☐ No ☐

B. Prisoners (If you listed other institutions in I.C above, please answer for each institution).

1. Is there a grievance procedure in your current institution? Yes ☐ No ☐

2. Did you file an administrative grievance based upon the same facts which form the basis of this lawsuit? Yes ☐ No ☐

3. If you did not file an administrative grievance, explain why:

This did not occur in jail

III. PARTIES TO CURRENT LAWSUIT

A. Name of Plaintiff Zack Caine Herrell

Mailing Address 3800 N. VLM Frontage Rd

(Please use additional sheets of paper to provide the names and addresses of any additional plaintiffs.)

B. Defendant Great Falls Police Department
(name and address)

is employed as Sgt
(Position and Title, if any)

at _____
(Institution/Organization)

Defendant _____
(name and address)

is employed as _____
(Position and Title, if any)

at _____
(Institution/Organization)

Defendant _____
(name and address)

is employed as _____
(Position and Title, if any)

at _____
(Institution/Organization)

Defendant _____
(name and address)

is employed as _____
(Position and Title, if any)

at _____
(Institution/Organization)

(Please use additional sheets of paper to provide the same information about any additional defendants.)

IV. STATEMENT OF CLAIMS

- A. Count I (State your cause of action, e.g., violation of civil rights):

ASSAULT / EXCESSIVE FORCE / MANIPULATION

1. Supporting Facts (State, as briefly as possible, the facts of your case, including specific dates and locations. Do not give any legal arguments or cite cases or statutes.):

ON JAN 18 2008 Thomas Lynch AND
JEFFREY Newton of the Great Falls
Police Department, tazed me with the
Police Departments weapon Taser #17
Serial # X00-166916 for no reason
other than self amusement. The officers
laughed when it caused me a siezure
AND refused to call me a ambulance. They
liep in thier reports AND had me
charged with a misdemeanor charge, which
was dismissed. The officers gave two
very different reports to what happened.

2. Defendants Involved (List the name of each defendant you intend to name in this claim. Specifically describe how each defendant is personally involved and what they did or did not do):

Great Falls Police Department. I am
suing the G-FPD because it was
there weapon that injuren me.

I feel the Great Falls Police Department is responsible for what happened to me because they hire incompetent officers and let them run wild.

If you have additional counts/causes of action, attach extra sheets. Set forth two paragraphs for each count, one consisting of Supporting Facts (following the directions under IV.A(1)), and one consisting of Defendants Involved (following the directions under IV.A(2)).

V. INJURY

How have you been injured by the actions of the defendant(s)? You must state as specifically as possible the actual injury you suffered from the actions of each individual defendant:

I had a grand mal seizure.

I also had severe burn marks to my arm.

VI. RELIEF

State briefly and precisely what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.

I want 500,000 dollars for pain & suffering. and officers Jeffrey Newton and Thomas Lynch suspended w/o pay for 60 days.

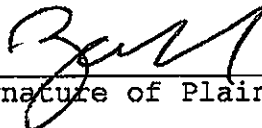
I also would ask that they both be
required to attend some sort of class
that instructs them in the proper time to
use their weapons.

VII. PLAINTIFF'S DECLARATION

- A. I understand that I must keep the Court informed of my current mailing address and that my failure to do so may result in dismissal of this Amended Complaint without actual notice to me.
- B. I declare under penalty of perjury that I am the plaintiff in the above action, that I have read the above amended complaint, and that the information I have set forth within it is true and correct. 28 U.S.C. § 1746; 18 U.S.C. § 1621.
- C. (Prisoners Only) This Amended Complaint was deposited in the prison system for legal mail, postage prepaid or paid by the prison, on
OCT 16, 2008.

Executed at CASCADE COUNTY DETENTION CENTER
(Location)

on OCT 16, 2008.
(Date)



Signature of Plaintiff